

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LINDSAY MARIE PERKINS,

Plaintiff(s),

v.

CREDIT ONE BANK, N.A., et al.,

Defendant(s).

Case No.: 2:20-cv-01524-KJD-NJK

**Order**

[Docket No. 16]

Pending before the Court is Defendant's motion to stay discovery pending resolution of its motions to compel arbitration and to dismiss. Docket No. 11; *see also* Docket Nos. 5-6 (motions to compel and dismiss). Plaintiff filed a response in opposition. Docket No. 14; *see also* Docket No. 15 (errata). Defendant filed a reply. Docket No. 16. The motion is properly resolved without a hearing. *See* Local Rule 78-1. For the reasons discussed below, the motion to stay discovery is **GRANTED**.

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). "The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). Discovery may be stayed when: (1) there is a pending motion that is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the potentially dispositive motion and finds the motion sufficiently meritorious to warrant a stay. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013). When the underlying motion is one seeking to compel arbitration, a stay is appropriate when the preliminary peek reveals that there is a reasonable possibility or probability that the district judge

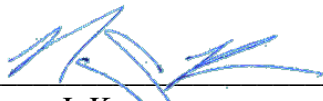
1 will compel arbitration. *See Shaughnessy v. Credit Acceptance Corp. of Nev., Inc.*, 2007 WL  
 2 9728688, at \*2-3 (D. Nev. Nov. 28, 2007). Courts frequently stay discovery pending resolution  
 3 of a motion to compel arbitration. *See, e.g., Mahamedi IP Law, LLP v. Paradice & Li, LLP*, 2017  
 4 WL 2727874, at \*1 (N.D. Cal. Feb. 14, 2017) (collecting cases). The Court is guided in its analysis  
 5 by the objectives in Rule 1 to secure a just, speedy, and inexpensive determination of cases. *See*  
 6 *Tradebay*, 278 F.R.D. at 602-03.

7       There is no dispute that the claims as to Defendant Credit One are subject to arbitration.  
 8 Plaintiff instead asks that, notwithstanding the arbitrability of the claims against Credit One, she  
 9 be permitted to conduct discovery in this case with respect to the currently unknown Doe  
 10 Defendants. This argument was flatly rejected last month by United States District Judge James  
 11 C. Mahan, who held that such discovery was impermissible in a case in which the claims against  
 12 Credit One were subject to arbitration. *Merritt v. Credit One Bank, N.A.*, 2020 WL 5775749, at  
 13 \*1 (D. Nev. Sept. 28, 2020); *accord Tucker v. Credit One Bank, N.A.*, 2020 U.S. Dist. Lexis  
 14 199659, at \*2 (D. Nev. Oct. 27, 2020).<sup>1</sup> The Court has not been persuaded to chart a different  
 15 course in this case.

16       Accordingly, the motion to stay discovery is **GRANTED**. To the extent resolution of the  
 17 motion to compel and to dismiss does not result in the cessation of proceedings in this Court, the  
 18 parties must file a proposed joint discovery plan within 14 days of the issuance of that order.

19       IT IS SO ORDERED.

20       Dated: October 30, 2020

21   
 22 \_\_\_\_\_  
 Nancy J. Koppe  
 United States Magistrate Judge

23  
 24 <sup>1</sup> In responding to the motion to stay discovery, Plaintiff seeks an order allowing her to  
 25 conduct discovery to ascertain the identities of the Doe Defendants. *See* Docket No. 15 at 6-9  
 26 (quoting *Crowley v. Bannister*, 734 F.3d 967, 978 (9th Cir. 2013) and *Gillespie v. Civiletti*, 629  
 27 F.2d 637, 642 (9th Cir. 1980)). As a threshold matter, parties are not permitted to present requests  
 28 in an opposition brief. Local Rule IC 2-2(b). At any rate, the Court notes that such an order is  
 properly issued only where a showing is made that the Court likely has jurisdiction over the  
 unknown defendants. *E.g., Lik v. Doe*, 2020 WL 1984291, at \*2 (N.D. Cal. Apr. 27, 2020)  
 (collecting cases); *Quad Int'l, Inc. v. Doe*, 2013 WL 178141, at \*4 (E.D. Cal. Jan. 16, 2013).  
 Plaintiff has not sufficiently shown that this Court would have personal jurisdiction over the Doe  
 Defendants in this case.